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Letter dated 2 April 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (see annex), which was adopted by the Committee under the no-objection procedure on 2 April 2004 and is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Heraldo **Muñoz**
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

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Annex

Report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

I. Introduction

1. The purpose of the present report is to present a factual summary of the Committee's activities for the period from 1 January to 31 December 2003, in accordance with the transparency measures outlined by the President of the Security Council in his note of 29 March 1995 (S/1995/234). The last report of the Committee was submitted on 20 December 2002 (S/2002/1423).

II. Background information

2. Following consultations among the members of the Security Council, the Council, on 7 January 2003, agreed to elect the bureau of the Committee for 2003, which consisted of Ambassador Juan Gabriel Valdés (Chile) as Chairman, with the delegations of Guinea and Spain providing the two Vice-Chairmen (see S/2003/10). On 19 June 2003, Ambassador Heraldo Muñoz (Chile) was elected as the new Chairman of the Committee (see S/2003/660), following the departure of his predecessor.

3. On 17 January 2003 the Security Council unanimously adopted resolution 1455 (2003). By paragraph 1 of that resolution the Council decided to improve the implementation of the assets freeze, travel ban and arms embargo targeting Osama bin Laden, the Al-Qaida organization and the Taliban, as well as individuals and entities associated with them, as contained in the list maintained by the Committee pursuant to paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002).

4. In paragraph 6 of resolution 1455 (2003) the Security Council called upon all States to submit an updated report to the Committee, no later than 90 days from the adoption of the resolution, on all steps taken to implement the measures referred to above and all related investigations and enforcement actions, including a comprehensive summary of frozen assets of listed individuals and entities within the territories of Member States.

5. By paragraph 8 of the same resolution the Council requested the Secretary-General to reappoint five experts to monitor for a further period of 12 months the implementation of the sanctions measures and to follow up on relevant leads relating to any incomplete implementation of those measures. In paragraph 13 the Monitoring Group was requested to submit two written reports to the Committee, the first by 15 June 2003 and the second by 1 November 2003, and to brief the Committee when the Committee so requested.

6. In paragraph 9 of the resolution, the Security Council requested the Chairman of the Committee to report orally to the Council at least every 90 days on the overall work of the Committee and the Monitoring Group; and stipulated that the updates should include a summary of the progress in the submission by Member States of the implementation reports referred to in resolutions 1390 (2002) and 1455 (2003).

7. By paragraph 14 of the resolution the Council requested the Committee, through its Chairman, to provide the Council, by 1 August 2003 and by 15 December 2003, with detailed oral assessments of implementation by Member States of the measures referred to in paragraph 1 of the resolution based on reports by Member States submitted pursuant to resolutions 1390 (2002) and 1455 (2003) and all pertinent parts of reports submitted by Member States under resolution 1373 (2001), in addition to considering supplementary recommendations by the Monitoring Group, with a view to recommending further measures for the Council's consideration to improve the sanctions regime. By paragraph 15 of the resolution the Council, moreover, requested the Committee to submit, on the basis of the Chairman's oral assessments, a written assessment to the Council of the actions taken by States to implement the measures referred to in the resolution.

III. Summary of the activities of the Committee

8. The Al-Qaida and Taliban sanctions Committee was engaged in a very demanding programme of work in 2003. During the period covered by the present report, the Committee held 4 formal meetings and 36 informal consultations of the members at the expert level. The Committee actively discharged its responsibilities outlined in resolution 1455 (2003), in addition to those set out in resolutions 1267 (1999), 1333 (2000) and 1390 (2002). An account of the Committee's major activities in the specific areas of its competence follows.

The Committee adopts a new name

9. On 2 September 2003, the Committee agreed to revise its name in order to clarify its identity and mandate. A press release was issued on 4 September 2003, announcing that the Committee would from that date onwards be officially known as the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, or, in short, as the Al-Qaida and Taliban sanctions Committee.

The Committee's consolidated list

10. The Committee continued to update its consolidated list of individuals and entities affected by the sanctions measures, on the basis of relevant information provided by Member States and regional organizations. The list represents the Committee's key instrument for the implementation of its mandate and serves as the fundamental tool available to States in implementing the sanctions measures.

11. During the period from 1 January to 31 December 2003 the Committee decided to add the names of 70 individuals and 7 entities to its consolidated list. Following each update the Committee issued a press release and circulated a note verbale informing all Member States of the changes. The Committee moreover formally transmitted hard copies of the list to all Member States and relevant international organizations every three months, as requested in paragraph 4 of resolution 1455 (2003).

12. On 4 March 2003, the Committee issued a reformatted version of the consolidated list, which provides identifying information on designated individuals and entities in a more systematic manner than the previous version, which was valid until 3 March 2003. In addition to reclassifying information in a more consistent

way, the ordering and presentation of names of the individuals and entities on the list was also thoroughly reviewed and adjusted as necessary. An updated version of the list is accessible via the Internet, with explanatory information available in all six official languages of the United Nations.

13. On 10 April 2003, the Committee approved several amendments to the Al-Qaida section of the list of individuals and entities. The amendments were based on information provided by Member States in response to a request that the Committee sent out in September 2002 with a view to improving the list and rendering it a more effective tool in the implementation of the sanctions measures.

14. On 3 September 2003, the Committee furthermore approved numerous amendments to the Taliban section of the list, on the basis of the information provided to the Committee by a Member State, with a view to improving the quality of the list. In addition to adding new identifying information and updating the existing information on the individuals in the Taliban section of the list, nine names were deleted from the list as they had been identified as duplications of the names of other listed individuals.

Requests from Member States for additional information on individuals on the list

15. During the reporting period, the Committee received several communications from Member States requesting additional information on individuals on the consolidated list and seeking confirmation whether individuals identified in their respective countries were the same individuals as those whose names were included in the Committee's list. The Committee was in two cases able to reply to such queries, informing the States concerned that the individuals referred to in their communications had no connection to the individuals on the Committee's list. During the reporting period the Committee also assisted States seeking clarification regarding individuals and entities whose names are on the Committee's list by facilitating contacts with the original designating State. In responding to Member States' requests, the Committee emphasized that it would continue to seek additional information from States in a position to provide further details, and would also convey such information to the requesting State when and if such information became available.

Guidelines of the Committee for the conduct of its work

16. On 10 April 2003, the Committee adopted specific guidelines for considering additional information on listed individuals and entities submitted by States and/or regional organizations, which serve to inform Member States of the Committee's procedures for processing and considering such information. The Committee further decided to include, as an annex to its guidelines, the criteria used by the Monitoring Group in reviewing list-related information at the request of the Committee. The specific guidelines for considering additional information submitted by States and/or regional organizations and the Monitoring Group criteria were adopted to facilitate improvements to the Committee's list, thereby enabling Member States to better implement the travel ban, the freezing of assets and the arms embargo in connection with the listed individuals and entities. In a step intended to enhance effectiveness, the Committee decided to make its expanded guidelines available on the Internet.

Reports of Member States pursuant to paragraph 6 of resolution 1455 (2003)

17. Considering the emphasis given in resolution 1455 (2003) to assessing the implementation by Member States of the measures imposed by the Security Council, the Committee and the Monitoring Group worked intensely during the first months of the year to draw up and disseminate to all Member States transparent guidelines to assist them in preparing their reports. The guidance document agreed upon was communicated to Member States on 4 March 2003 and was made available on the Internet.

18. During the reporting period 90 Member States submitted their reports, as requested by the Security Council in paragraph 6 of resolution 1455 (2003), on steps taken to implement the measures referred to in the resolution. Some States also provided information on related investigations and enforcement actions, including comprehensive summaries of frozen assets of listed individuals and entities within their territories. While many helpful and high-quality reports were submitted, the overall response was disappointing as 101 Member States (53 per cent) had not submitted a report as at 31 December 2003.

19. The Committee explored possible reasons for non-reporting by States. In addition to the possible lack of political determination to submit such reports, other possible factors were also identified, such as (a) reporting fatigue; (b) lack of resources and technical capacity; and (c) coordination difficulties at the national level. Recognition of the possible presence of Al-Qaida or those associated with the network within its territory furthermore appears to be a stigma to some States. With a view to assisting the States concerned and to improving the current sanctions regime, the Committee sought to identify possible challenges and problems that States face. To this end, the Committee sent two requests or reminders to those States, in July and November 2003, to provide explanations for their non-reporting.

20. By paragraphs 14 and 15 of resolution 1455 (2003), the Security Council entrusted the Committee with the task of assessing implementation by Member States of the assets freeze, arms embargo and travel ban against listed individuals and entities associated with Al-Qaida and the Taliban. Although the Committee was seriously hindered in providing this assessment when less than half of the Member States reported, the Committee nevertheless did so through the briefing by the Chairman on 12 January 2004. The Committee furthermore remains determined to finalize the written assessment called for in the resolution.

Open briefing for interested Member States

21. With a view to publicizing the guidance document to assist Member States in preparing the reports referred to above, the Chairman, on 28 February 2003, convened a briefing open to all interested Member States in order to provide them with information on the actions that they would need to take in connection with resolution 1455 (2003). At the briefing the Chairman also described some of the differences between the reports called for by the Committee as compared to those called for by the Committee established pursuant to resolution 1373 (2001), otherwise known as the Counter-Terrorism Committee.

Exceptions under resolution 1452 (2002)

22. During the reporting period, the Committee received notifications from two States on behalf of individuals seeking exceptions to the sanctions measures in accordance with paragraph 1 (a) of resolution 1452 (2002). The limited number of requests received may be an indication that States either do not consider that it is necessary to approach the Committee on this issue or that they need more clarity on how to proceed.

23. The Committee had no objection to the first of the two exception notifications that it received during the reporting period. The Committee furthermore considered in detail the second notification submitted by a Member State on behalf of an entity within its territory for the release of funds frozen, pursuant to measures imposed by the Security Council, for the payment of taxes on the purchase of a building located in a neighbouring State and for the payment of legal fees incurred in the defence of the entity before the relevant tax authorities. The request from the entity had been forwarded to the authorities in the notifying State by an individual included on the Committee's list, in his capacity as the liquidator of the entity concerned. As the review of the case by the Committee and the Monitoring Group raised several questions regarding the implementation of resolution 1452 (2002), the notification remains under consideration by the Committee.

24. The Committee, during the reporting period, worked diligently to draft procedures that would help to standardize the processing and consideration of the exceptions envisioned in resolution 1452 (2002). While the procedures have not yet been approved, significant progress has been made. Additional work needs to be done, however, to harmonize the concept of exception notifications by States, as reflected in the resolution, with a possible response from the Committee, in the form of a decision. The adoption of the procedures will ensure that the provisions of resolution 1452 (2002), which constitute an important component of the Al-Qaida and Taliban sanctions regime, are applied in a transparent and effective way.

Coordination with the Counter-Terrorism Committee

25. In paragraph 3 of resolution 1455 (2003) the Security Council stressed the need for improved coordination and increased exchange of information between the Committee and the Counter-Terrorism Committee. Pursuant to that paragraph, efforts were made to increase cooperation between the two Committees. The Chairmen of the two Committees, together with the experts of the Monitoring Group and the Counter-Terrorism Committee, met in July 2003 and discussed how the two Committees could best cooperate in the pursuit of their distinct but complementary mandates, particularly with regard to the analysis of reports of Member States and in advising States on how to obtain technical assistance. In spite of the direct contacts between the two Chairmen, coordination between the two Committees, especially at the expert level, needs to be improved further.

26. Undoubtedly, there was some overlap between reports submitted to the Committee and the Counter-Terrorism Committee under resolutions 1373 (2001) and 1455 (2003) respectively. The guidance document communicated to Member States to assist them in preparing reports under resolution 1455 (2003), however, clearly stated that, if relevant information had already been submitted in previous reports to the Committee or to the Counter-Terrorism Committee under resolution 1373 (2001), precise references to, and relevant excerpts from, such reports should be

attached to their updated report. The guidance document further indicated that such information would be taken into account by the Committee in the context of the requirements of resolution 1455 (2003) and that information already submitted need not be duplicated in updated reports.

27. In order to provide clarification regarding the distinct roles of the two Committees, a press release that clearly sets out the respective mandates and goals of the Al-Qaida and Taliban sanctions Committee and the Counter-Terrorism Committee was issued on 28 July 2003 (SC/7827). On that occasion the Chairmen of the two Committees also held a joint briefing for the press. The press release clarified that, although the Committees shared the same objective of fighting terrorism, their activities were different but complementary. It explained that, whereas the Al-Qaida and Taliban Committee oversees the implementation by States of the sanctions imposed by the Security Council on Osama Bin Laden, members of Al-Qaida organization and the Taliban as well as individuals and entities associated with them and whose names are included in the consolidated list maintained by the Committee, the Counter-Terrorism Committee monitors the implementation of resolution 1373 (2001) by all States with a view to increasing their capabilities to fight terrorism.

Oral reports of the Chairman to the Security Council

28. By paragraph 9 of resolution 1455 (2003) the Chairman of the Committee was requested to report orally and in detail to the Security Council at least every 90 days on the overall work of the Committee and the Monitoring Group, and by paragraph 14 he was requested to provide the Council with two detailed oral assessments of implementation by Member States of the sanctions measures based on reports of Member States. The Chairman complied with those requests through his briefings to the Council at its informal consultations held on 15 April and 12 November 2003, and through his briefings to the Council at its open meetings held on 29 July 2003 (see S/PV.4798) and 12 January 2004 (see S/PV.4892).

IV. Monitoring Group

29. The Security Council, in paragraph 8 of resolution 1455 (2003), requested the Secretary-General, upon adoption of the resolution and acting in consultation with the Committee, to reappoint five experts, drawing, as much as possible and as appropriate, on the expertise of the members of the Monitoring Group established pursuant to paragraph 4 (a) of resolution 1363 (2001).

30. The Monitoring Group's programme of work included travel to selected countries and organizations, as well as participation in a number of meetings convened at government and international levels. The Monitoring Group undertook a number of trips to Africa, Asia, Europe, the Middle East and North America. Members of the Group also met with officials from the International Criminal Court in The Hague (6 April 2003) and participated in the plenary meeting of the Financial Action Task Force in Stockholm (1-3 October 2003) as well as a meeting on the Joint United Nations Inter-regional Crime and Justice Research Institute/Europol initiative against the illegal movement of weapons of mass destruction (20 and 21 November 2003).

31. On 8 July 2003, the Monitoring Group submitted its first report in accordance with paragraph 13 of resolution 1455 (2003) (S/2003/669 and Corr.1) in which it noted that, while there had been marked successes in the fight against the Al-Qaida network in the period covered, including the arrests of key leaders and the tightening of formal national banking structures, Al-Qaida retained strong appeal among Islamic extremist elements around the world. The Monitoring Group emphasized that Al-Qaida could be viewed as both an organization and an ideology, and that there existed a "third generation Al-Qaida" that perpetuated the ideology. The Monitoring Group also emphasized that the Committee's list included only a small subset of known Al-Qaida operatives and others associated with the Al-Qaida network and that the required minimum identification data associated with the names was often absent.

32. The Monitoring Group reported that, despite new initiatives to combat terrorist financing, such as "know your customer" regulations and "suspicious transaction reports", substantial funds were still available to Al-Qaida from the illicit drug trade, charities and deep-pocket donors. The Group noted that Al-Qaida was adapting to the tightening of international financial structures, especially by using alternate remittance systems such as hawala to transfer money. The Monitoring Group also reported that the Committee had not been informed of any instances of designated individuals being stopped or turned back at border crossings, and expressed concern that Al-Qaida members not on the Committee's list were able to move around freely.

33. The Committee discussed the Monitoring Group's first report at its 20th formal meeting, on 25 June 2003. The Committee agreed that the report provided useful information and insights, but was of the view that the Group's work needed to be taken a step further. A case-study approach was proposed for the preparation of the second report and, in addition, the Monitoring Group was, on 1 August 2003, augmented by three more consultants who were entrusted with the analysis of the reports submitted by Member States under paragraph 6 of resolution 1455 (2003).

34. The second report of the Monitoring Group pursuant to resolution 1455 (2003) was submitted on 2 December 2003 (S/2003/1070). In it, the Monitoring Group provided additional recommendations for the improvement of sanctions measures and an analysis of the 83 reports submitted by Member States by 30 October 2003.

35. The Monitoring Group again addressed the role that the Committee's list played in the implementation of sanctions measures. While the list had grown in numbers, the Monitoring Group found that it had not kept pace with the actions taken by States, or the increased intelligence and other information available to them on Al-Qaida, the Taliban and associated individuals and entities.

36. The Group also reported that Al-Qaida continued to use alternate remittance systems to transfer money. A new concern raised by the Group was that charities, even though they had been designated on the list, often proved difficult to shut down, owing to the sensitivity of government oversight of such organizations. The Monitoring Group also reported that States were reluctant to freeze tangible assets such as business or property.

37. Regarding the travel ban, the Monitoring Group again underlined that no State had reported an attempt by a listed individual to enter its territory and that the lack of sufficient identifiers on the list had prevented the inclusion of many names on

national stop lists. The Monitoring Group also expressed concern about the fact that the whereabouts of many individuals on the list were unknown.

38. The Monitoring Group noted the reluctance of States to provide it with information regarding the arms embargo, adding that some States knew of arms smuggling across their borders but had indicated difficulties in controlling the arms traffic. Additional concerns included the acquisition of man-portable air-defence systems by non-State actors and the continuing risk of Al-Qaida acquiring and using weapons of mass destruction.

39. The Committee initiated its consideration of the Monitoring Group's second report at its 21st formal meeting, on 11 November 2003. The Committee continued its consideration of the report at the informal meetings held on 17 and 20 November and 9, 12, 15 and 18 December 2003. The Committee agreed that the report was more substantive and analytical than the previous one. Some of the general concerns voiced by members of the Committee included the leaking of the report to the media prior to its consideration by the Committee, and the need to include substantive evidence to support claims made in the report regarding irregularities in implementation by some States.

40. The Committee found many of the recommendations in the Monitoring Group's report to be useful tools for improving current sanctions measures, which could be taken into account in subsequent Security Council decisions. In evaluating the recommendations, the Committee however expressed reluctance to support the Monitoring Group's recommendation to endow it with more investigative powers, although it was generally accepted that States should fully cooperate with the Monitoring Group.

41. A number of Member States not members of the Security Council expressed interest in presenting their views on the second report of the Monitoring Group. A press release was issued on 11 December 2003 inviting those States to submit written comments to the Committee. States were also invited to address the Committee at a meeting held on 15 December 2003, although some Committee members emphasized that the invitation should not set a precedent for the future work of the Al-Qaida and Taliban Committee or other sanctions committees. The representatives of Indonesia, Italy, Liechtenstein, Maldives and Switzerland attended the meeting and provided their observations and comments on the report. The Committee agreed to address the issues raised by the aforementioned Member States in due course and to inform them of its decision. Members of the Committee found the dialogue with Member States not members of the Committee to be useful for further improvement of the work of the Committee and the Monitoring Group.

V. Visits by the Chairman of the Committee to selected countries

42. The Chairman of the Committee undertook two trips to selected countries during the reporting period, pursuant to paragraph 11 of resolution 1455 (2003). The Chairman visited Afghanistan, Germany, Indonesia, Singapore and the United Arab Emirates from 10 to 23 October and from 1 to 8 December 2003 he visited Italy, Liechtenstein, Pakistan, Saudi Arabia and the European Union in Brussels. The Chairman was on the later trip accompanied by the Permanent Representative of Guinea, the Deputy Permanent Representative of the Russian Federation and the First Secretary of the Permanent Mission of Pakistan to the United Nations.

43. The above visits were undertaken to demonstrate to Member States in general and the selected countries in particular the importance that the Security Council places on the implementation of its counter-terrorist measures. The visits provided the Chairman with an opportunity to discuss some of the more pressing issues relating to the implementation of the sanctions regime with counterparts in the States visited. The visits also provided the authorities in those States with an opportunity to relate some of their successes and concerns in implementing the measures imposed by the Council.

44. The Chairman was assured by the authorities in the States visited that the consolidated list was widely distributed and that updates to the list were circulated to the appropriate bodies on a regular basis. The list was perceived as a key instrument in the fight against the Taliban and Al-Qaida. The extensive use of the list was stressed by several States in communicating a need for additional identifying information for the individuals and entities included on the list, so as to be able to enhance its enforcement. The same concern was echoed by the Chairman in encouraging States to provide the Committee with supplementary information when available. The Chairman moreover encouraged States to submit to the Committee the names of those individuals associated with Al-Qaida organization and the Taliban who had been detained, so as to further improve the quality of the Committee's list. The authorities in some of the countries visited, however, expressed concerns that submitting the names of such individuals to the Committee could possibly compromise ongoing investigations.

45. Several of the States visited stressed the importance of adhering to the rule of law and due process standards while implementing the sanctions measures. Some officials in the State institutions visited also questioned whether the designation of certain individuals would sustain scrutiny by national or regional courts. It was furthermore suggested that the criteria employed by the Committee in designating individuals and entities should be made more transparent.

46. Several of the State institutions visited also called for improvements in the dissemination of information related to the Committee's list. While the need for the Committee to ensure confidentiality was understood, it was at the same time suggested that the Committee notify the relevant national or regional bodies in advance of the intention to add names to the list. Concerns were raised that the delay between a publicly announced revision of the list and the processing of such revisions by States would otherwise give the target an opportunity to move or use the financial assets.

47. On a practical level it was suggested that focal points be nominated in all Member States to facilitate and reduce the time required to inform Member States of updates to the list, thereby improving the implementation of the measures imposed on the targeted individuals and entities. The Committee was also encouraged to explore the possibility of setting up encrypted links directly with the capitals of the Member States.

48. During his visits the Chairman was informed of improvements in monitoring by States of alternative remittance systems such as hawala. The improvements included the establishment of better reporting standards for hawaladars, the entrepreneurs who provide such financial services. The Chairman was moreover able to report to the Committee that his visits had triggered better coordination among the national authorities in the States visited.

49. The authorities in some of the countries visited requested the Committee to consider ways by which technical support could be provided to Member States in need of assistance to enable them to implement the measures in the relevant Security Council resolutions. The Chairman found that there was general agreement among both potential recipients and potential donor States with regard to the need for improvements in the provision of such assistance.

50. In some of the Member States visited, requests were conveyed to the Chairman that the Monitoring Group should operate with greater transparency, especially with regard to the issuance of its reports. It was suggested that the Monitoring Group should consult with the States referred to in its reports, prior to the issuance of the reports, in order to allow such States the opportunity to rectify possible factual errors, thereby preventing any inaccuracies from being reflected in the final report.

51. The authorities in several of the States visited sought a clear definition of non-financial assets and guidance on how Member States were to handle the confiscation of such assets. Some of the Member States visited furthermore saw a need for the Committee to also improve its guidelines for dealing with notifications for exceptions from the sanctions measures, so as to encourage the Member States at large to make use of the notification mechanism laid out in resolution 1452 (2002) whenever justified.

52. The Chairman provided detailed briefings to the Committee following each of his missions and the members were of the view that such visits helped the States visited to gain a better understanding of what the Committee was trying to achieve and how it was trying to do so. The members were also of the view that the visits provided an excellent opportunity for it to learn more about the actions States were taking to implement the sanctions measures, particularly those actions that might not be reflected in the reports of Member States.

VI. Future work of the Committee and issues pending

53. By paragraph 15 of resolution 1455 (2003), the Security Council requested the Committee to prepare and circulate a written assessment to the Security Council of actions taken by States to implement the sanctions measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002). In resolution 1455 (2003), however, the Council did not specify a time limit for the preparation of that report. As only 90 of the 191 Member States had provided the Committee with their implementation reports by the end of the reporting period, the Committee decided to postpone the submission of its written assessment to the Security Council in order to allow Member States that had not yet done so an additional opportunity to submit their reports to the Committee.

VII. Observations and conclusions

54. During the reporting period, the Committee continued its proactive approach towards discharging its mandate as outlined in Security Council resolution 1455 (2003) and other relevant resolutions. The numerous substantive meetings held at the level of both the Committee and the Security Council, as well as the variety of

issues considered at those meetings, demonstrates the Committee's intensive work in 2003.

55. The Committee was during the reporting period persistent in encouraging Member States to submit their reports pursuant to paragraph 6 of resolution 1455 (2003). The Committee also encouraged States that were not able to submit those reports to provide the Committee with justification as to why they were not in a position to do so. The Committee in this regard offered support to States in need of further clarification or assistance in preparing their reports.

56. The main task before the Committee in 2003 was the objective assessment and evaluation of implementation by States of the arms embargo, the travel ban and the assets freeze imposed by the Security Council on the individuals and entities on the Committee's consolidated list. The assessment of the reports of Member States was intended to enhance the Committee's understanding of the successes and challenges faced by Member States in implementing the measures set out in the relevant resolutions. The lack of State reporting, however, limited the Committee's ability to draw precise conclusions regarding how effective States were in their fight against terrorism and thus to accurately focus on specific areas in which the Committee should enhance its efforts by providing better support to Member States in their implementation of the sanctions measures.

57. Among the Committee's notable achievements in 2003 was the issuance of a reformatted version of the consolidated list and its approval of the names of 77 individuals and entities for addition to the list. Both the Al-Qaida and the Taliban sections of the list were moreover substantively improved as a result of amendments proposed by Member States. Despite these improvements, further upgrades of the quality of information on the list remains high on the Committee's agenda, in particular the inclusion of additional relevant identifying information on already listed individuals and entities as well as the extension of the list through the inclusion of the names of other individuals and entities associated with the Al-Qaida and Taliban networks.

58. Despite the unsatisfactory number of reports submitted by States to the Committee, the reports received did nevertheless provide some indication of trends in State compliance. Another important avenue available to the Committee was the direct monitoring, in situ, of State implementation. In this regard, the Committee benefited from the two reports submitted by the Monitoring Group (S/2003/669 and Corr.1 and S/2003/1070). The findings contained in those reports provided the Committee with an enhanced understanding of the issues within the Committee's purview and they also encouraged the Committee to seek further improvements of the measures imposed by the Security Council.

59. The Committee also gained improved insight and understanding of the implementation by States of the sanctions measures through the two visits that the Chairman of the Committee undertook to selected countries. As a result of those visits, the Chairman was able to convey useful information to both the Committee and the Security Council immediately upon his return. The high-ranking government officials in the countries visited who were involved in the implementation of counter-terrorist measures were at the same time provided with an opportunity to learn more about the work of the Committee and its priorities and were furthermore able to receive immediate clarifications on the issues they raised. The benefits of the

visits were recognized by both the members of the Committee and the authorities in the countries visited.

60. During the reporting period, the members of the Committee became increasingly aware that the work of the Committee would benefit from additional expert advice and information as well as more frequent contact with Member States. In order to further its decision-making capabilities, the Committee therefore requested the Monitoring Group and its experts to provide additional assistance to the Committee by making their expertise readily available and to advise the Committee whenever needed. Members of the Committee also called for more expert advice from the Monitoring Group to enable the Committee to respond promptly to requests from Member States and to monitor the implementation by States of the sanctions measures more effectively.

61. The Committee, during the reporting period, remained aware of the effect that the media have on its work. While the media did play a useful role in the dissemination of important information relevant to the work of the Committee, the press on occasion also reported on the work of the Committee in conjunction with issues well beyond or not related to the Committee's mandate. Members of the Committee furthermore expressed their disappointment that some of the findings of the Monitoring Group were reported in the media before they were considered by the Committee. The press conferences by the Chairman of the Committee, on occasion together with the Chairman of the Monitoring Group, proved to be an effective means of striking a balance between satisfying the interest of the media in the work of the Committee and the timely provision of factually correct information.

62. The feedback that the Committee received from Member States through their national implementation reports, the reports of the Monitoring Group and the Chairman's visits revealed that Member States take the threat of international terrorism very seriously. The task before the Committee nevertheless remains to evaluate whether States collectively are doing enough, in real terms, to neutralize the Al-Qaida network and the Taliban and to prevent the members and supporters of those organizations from launching terrorist attacks. The role of the United Nations, as well as specialized agencies and other international organizations, in providing a coordinating framework for States to enhance and harmonize their counter-terrorism efforts with an emphasis on preventive action therefore continues to be of utmost importance.

63. The role the Committee plays in the counter-terrorism strategy of the international community is clearly defined by the relevant Security Council resolutions. The list of individuals and entities related to or associated with Al-Qaida and the Taliban provides a legitimate tool for the Committee to seek information from States on the practical steps and preventive measures they have taken or intend to take to prevent terrorist acts from occurring within the territories under their control or elsewhere.

64. The Committee is well aware of the importance of cooperation with Member States and the need for the specific sanctions measures to be implemented with precision and accuracy against targeted individuals and entities in order to restrict their possibilities of using terrorism as a means of furthering their objectives. The Committee is further aware that its work is an integral part of a global fight against terrorism and is determined to contribute effectively towards that endeavour.

Appendix I

Guidance for reports required of all States pursuant to paragraphs 6 and 12 of resolution 1455 (2003)

The Taliban/Al-Qaida sanctions regime constitutes a key instrument in the fight against terrorism. Continued effective cooperation among States Members of the United Nations, the Committee established pursuant to resolution 1267 (1999) and the Monitoring Group is critical to improved implementation of the sanctions measures.

In paragraph 6 of resolution 1455 (2003), the Security Council called on all States to submit an updated report no later than 90 days from the adoption of the resolution (i.e. by 17 April 2003) on all steps taken to implement the measures under the Taliban/Al-Qaida sanctions regime. Those measures consist of the freezing of assets, travel restrictions, and an arms embargo — all of which are directed against individuals and entities included in the Committee's consolidated list.

Note: For key documents on the sanctions regime, including relevant resolutions, the consolidated list, and the reports of the Monitoring Group, please consult the Committee's web site: www.un.org/Docs/sc/committees/1267Template.htm.

The information provided in States' reports should be clear, precise and complete.

If relevant information has already been submitted in previous reports to the 1267 Committee or to the Counter-Terrorism Committee under resolution 1373 (2001), precise references to, and relevant excerpts from, such reports should be attached to the updated report; this information will be taken into account by the 1267 Committee in the context of the requirements of resolution 1455 (2003). Information already submitted need not be duplicated in updated reports.

Member States are strongly encouraged to structure their reports to provide information that responds to the guidelines and questions below, as the reports will constitute a principal component of the oral and written assessments that the Chairman of the 1267 Committee will deliver to the Security Council.

Unless any information contained in Member States' reports is clearly specified as confidential, the entire report will be considered a public document.

1. Introduction

1. Please provide a description of activities, if any, by Osama Bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.

II. Consolidated list (to be circulated to Member States every three months)

www.un.org/Docs/sc/committees/1267/1267ListEng.htm

2. How has the 1267 Committee's list been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the list? If so, please describe these problems.

4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the list, unless to do so would compromise investigations or enforcement actions.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the list? Please specify and elaborate, as appropriate.

7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the list? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.

III. Financial and economic asset freeze

Under the sanctions regime (paragraph 4 (b) of resolution 1267 (1999) and paragraphs 1 and 2 (a) of resolution 1390 (2002)), States are to freeze without delay the funds and other financial assets or economic resources of the listed individuals and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, assets or resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory.

Note: For the purpose of implementation of the financial prohibitions in this sanctions regime, "economic resources" is defined to mean assets of every kind, whether tangible or intangible, movable or immovable.[a]

[a] From the International Convention for the Suppression of the Financing of Terrorism, 1999.

9. Please describe briefly:

- The domestic legal basis for implementing the asset freeze required by the resolutions above
- Any impediments under your domestic law in this context and steps taken to address them.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Osama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements.[b] Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

12. The Security Council in resolution 1455 (2003) called on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with that resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2000) and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- Identification of the person or entities whose assets have been frozen
- A description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets)
- The value of assets frozen.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Osama Bin Laden or members of Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

14. Pursuant to resolutions 1455 (2003), 1390 (2002), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country, for controlling the movements of such funds or assets to designated individuals and entities. This section should include a description of:

[b] For details see the third report of the Monitoring Group, of 17 December 2002 (S/2002/1338), section V, paras. 27-29.

- The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.
- Required bank-reporting procedures, if any, including the use of suspicious transaction reports, and how such reports are reviewed and evaluated.
- Requirements, if any, placed on financial institutions other than banks to provide suspicious transaction reports, and how such reports are reviewed and evaluated.
- Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.
- Restrictions or regulations, if any, applicable to alternate remittance systems such as or similar to hawala, as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.

IV. Travel ban

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of listed individuals (paragraph 1 of resolution 1455 (2003), paragraph 2 (b) of resolution 1390 (2002)).

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

17. How often do you transmit the updated list to your border control authorities? Do you possess the capability of searching list data using electronic means at all your entry points?

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

19. Please provide an outline of the measures, if any, taken to incorporate the list in the reference database of your consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the list?

V. Arms embargo

Under the sanctions regime, all States are requested to prevent the direct or indirect supply, sale and transfer, to Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals and entities associated with them, from their territories or by their nationals outside their territories, of arms and related materiel of all types, including the provision of spare parts and technical

advice, assistance, or training related to military activities (paragraph 2 (c) of resolution 1390 (2002) and paragraph 1 of resolution 1455 (2003)).

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

22. Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

23. Do you have any safeguards to ensure that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

VI. Assistance and conclusion

24. Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity-building would improve your ability to implement the sanctions regime.

26. Please include any additional information you believe pertinent.

Appendix II

Table 1
Individuals added to the Al-Qaida and Taliban sanctions Committee's list in 2003

Number	*Name*	*Date*
1	Nabil Abdul Salam Sayadi	22 January 2003
2	Patricia Rosa Vinck	22 January 2003
3	Mohamad Iqbal Abdurrahman	28 January 2003
4	Nurjaman Riduan Isamuddin	28 January 2003
5	Gulbuddin Hekmatyar	20 February 2003
6	Abdelghani Mzoudi	10 June 2003
7	Youssef Abdaoui	25 June 2003
8	Mohamed Amine Akli	25 June 2003
9	Mehrez Amdouni	25 June 2003
10	Chiheb Ben Mohamed Ayari	25 June 2003
11	Mondher Baazaoui	25 June 2003
12	Lionel Dumont	25 June 2003
13	Moussa Ben Amor Essaadi	25 June 2003
14	Rachid Fettar	25 June 2003
15	Brahim Ben Hedili Hamami	25 June 2003
16	Khalil Jarraya	25 June 2003
17	Mounir Ben Habib Jarraya	25 June 2003
18	Faouzi Jendoubi	25 June 2003
19	Fethi Ben Rebai Mnasri	25 June 2003
20	Ahmed Hosni Rarrbo	25 June 2003
21	Najib Ouaz	25 June 2003
22	Nedal Saleh	25 June 2003
23	Zelimkhan Ahmedovich Yandarbiev	25 June 2003
24	Shamil Basayev	12 August 2003
25	Fathur Rohman Al-Ghozhi	9 September 2003
26	Agus Dwikarna	9 September 2003
27	Huda Bin Abdul Haq	9 September 2003
28	Azahari Husin	9 September 2003
29	Salim Y Salamuddin Julkipli	9 September 2003
30	Abdul Manaf Kasmuri	9 September 2003
31	Amran Mansor	9 September 2003
32	Zulkifli Marzuki	9 September 2003
33	Nordin Mohd. Top	9 September 2003
34	Aris Munandar	9 September 2003
35	Abdul Hakim Murad	9 September 2003
36	Imam Samudra	9 September 2003

Number	*Name*	*Date*
37	Parlindungan Siregar	9 September 2003
38	Yazid Sufaat	9 September 2003
39	Yassin Sywal	9 September 2003
40	Wan Min Wan Mat	9 September 2003
41	Mukhlis Yunos	9 September 2003
42	Zaini Zakaria	9 September 2003
43	Mohamad Nasir Abas	9 September 2003
44	Zulkifli Abdul Hir	9 September 2003
45	Shadi Mohamed Mustafa Abdalla	23 September 2003
46	Aschraf Al-Dagma	23 September 2003
47	Ahmad Fadil Nazal Al-Khalayleh	23 September 2003
48	Mohamed Abu Dhess	23 September 2003
49	Djamel Moustfa	23 September 2003
50	Ismail Abdallah Sbaitan Shalabi	23 September 2003
51	Dawood Ibrahim	3 November 2003
52	Mokhtar Belmokhtar	11 November 2003
53	Nasri Ait El Hadi Mustapha	11 November 2003
54	Faraj Farj Hassan Al Saadi	12 November 2003
55	Cherif Said Ben Abdelhakim	12 November 2003
56	Zarkaoui Imed Ben Mekki	12 November 2003
57	Hamraoui Kamel Benn Mouldi	12 November 2003
58	Maxamed Cabdullaah Ciise	12 November 2003
59	Radi Abd El Samie Abou El Yazid El Ayashi	12 November 2003
60	Bouyahia Hamadi	12 November 2003
61	Mohammad Tahir Hammid	12 November 2003
62	Rihani Lofti	12 November 2003
63	Daki Mohammed	12 November 2003
64	Mohamed Amin Mostafa	12 November 2003
65	Saadi Nassim	12 November 2003
66	Drissi Noureddine	12 November 2003
67	Lazher Ben Khalifa Ben Ahmed Rouine	12 November 2003
68	Mourad Trabelsi	12 November 2003
69	Saifi Ammari	4 December 2003
70	Safet Durguti	26 December 2003

Source: Security Council Subsidiary Organs Branch, Department of Political Affairs.

Table 2
Entities added to the Al-Qaida and Taliban sanctions Committee's list in 2003

Number	*Name*	*Date*
1	Lashkar i Jhangvi (LJ)	3 February 2003
2	Lajnat Al Daawa Al Islamiya (LDI)	20 February 2003
3	Ansar al-Islam	24 February 2003
4	Special Purpose Islamic Regiment (SPIR)	4 March 2003
5	Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs (RSRSBCM)	4 March 2003
6	Islamic International Brigade (IIB)	4 March 2003
7	Djamat Houmat Daawa Salafia (DHDS)	11 November 2003

Source: Security Council Subsidiary Organs Branch, Department of Political Affairs.